

**Board of Supervisors
County of San Bernardino**



February 23, 2000

Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, M/S 010
North Las Vegas, NV 89036-0307

RECEIVED

FEB 29 2000

**RE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT
NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA
MOUNTAIN, NYE COUNTY, NEVADA**

Dear Ms. Dixon:

The County of San Bernardino has reviewed the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (hereafter referred to as the Yucca Mountain Project). The following comments represent the County's position on the proposed project. General comments are cited below and specific comments are included in an enclosed attachment.

GENERAL COMMENTS

- 1 The County of San Bernardino (County) is offended that the Federal Government attempted to ignore the involvement of local government by failing to inform all affected local jurisdictions in the State of California. The serious implications involved with siting a facility of this magnitude in close proximity to our county warrants a better effort to identify and involve local government in California just as the U. S. Department of Energy (DOE) did in Nevada. San Bernardino County officials are very concerned with the potential for transporting significant quantities of high-level radioactive waste through our county. We are aware of special involvement that has been extended to the County of Inyo, which we believe to be appropriate given the proximity of the proposed facility to that county. However, we find it inappropriate and unacceptable that the DOE failed to even notify the County of San Bernardino of the availability of the EIS. A review of Appendix D: Distribution List confirmed that no local entity in California, other than the County of Inyo, was officially provided with a copy of the EIS.

In spite of these unfortunate circumstances, the County appreciates the two week extension of the comment period and the additional public hearing scheduled locally in San Bernardino.

- 2... The County Board of Supervisors adopted Resolution No. 2000-10 on January 11, 2000 indicating the County's concern with the project and requesting that the DOE provide this

- ...2 jurisdiction with a public hearing to better inform the citizenry and public officials of the potential impacts to the County of San Bernardino. This resolution was sent to U. S. Senators Feinstein and Boxer, U. S. Congressmen Lewis, Baca and Miller (copy enclosed).

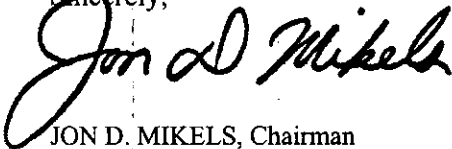
ISSUES OF CONCERN

- 3 We are particularly concerned with the transport of high-level nuclear waste and spent nuclear fuel through the County of San Bernardino. Due to the size of our county, considerable travel distance through our jurisdiction appears to be a likely result of implementing the Yucca Mountain Project. The potential for release of high-level radioactive materials through accidents or deliberate acts of sabotage are of grave concern to this Board. The implications are far reaching and are only minimally addressed in the EIS.

I want to stress that the Board of Supervisors is opposed to the transport of high-level radioactive wastes through San Bernardino County due to the potential harm that could result to our citizens and our environment. Additionally, the Board is very concerned with the potential liability and costs that the County could incur in the event of an accident or an action of sabotage that would result in the clean-up and remediation of radioactive materials release.

- 4 Again, we appreciate your agency providing this jurisdiction with a public hearing on this project so that the County's citizens and officials can be adequately informed of the potential impacts to our county from the Yucca Mountain Project. Should you have any questions regarding these comments, please feel free to contact me, Randy Scott, Planning Manager with the Land Use Services Department at the address above or by telephone at 909-387-4147 or Peter Brierty, with the Hazardous Materials Division, County Fire Department, also at the same address or by phone at 909-387-3200.

Sincerely,


JON D. MIKELS, Chairman

Attachments

cc: Board of Supervisors
Planning Commission
William H. Randolph, County Administrative Officer
Alan K. Marks, County Counsel
John Goss, Assistant County Administrator for Economic Development and Public Services
Peter Brierty, Division Chief, Hazardous Materials Division, County Fire Department
Randy Scott, Planning Manager, Planning Division, Land Use Services Department

SPECIFIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE HIGH-LEVEL RADIOACTIVE WASTE REPOSITORY
AT YUCCA MOUNTAIN, NEVADA

- 5 Introduction: The County of San Bernardino is particularly concerned with the transportation of radioactive waste through this jurisdiction to the Yucca Mountain Project site as a result of establishing the repository. Because the County was neither sent a copy of the EIS nor informed of its availability by DOE, County elected officials and staff have had only limited time to obtain and review the EIS. The County learned of the EIS through the local news media and only obtained a copy of the document in mid-January. The County, however, does appreciate the two week extension of the comment period and the additional public hearing scheduled locally.
- 6 Based our review to date, the County is very disappointed in the cursory treatment of transportation impacts associated with the project, specifically those applicable to areas outside the State of Nevada. We feel very strongly that any informed decision with regards to establishing a long-term high-level radioactive disposal site must include a detailed analysis of specific routing of radioactive waste transporters. Such an analysis must include consideration of vehicle accidents and/or deliberate sabotage and the potential for resultant release of radioactive material considering the factors relevant to regional conditions that may affect the safety of radioactive waste transportation. The County finds the EIS to be fundamentally flawed and inadequate due to the failure to provide detailed examination of potential impacts to local communities from the unique factors associated with the transport of spent nuclear fuel and high-level radioactive waste in Southern California. The document fails to recognize transportation characteristics in this region that may affect the safe transport of this very dangerous waste. Physical environmental elements such as earthquakes, wildfires, varying climatic conditions (i.e. snow and ice in the mountains during winter, very strong winds in the mountain passes and desert during fall and winter and extremely high ambient temperatures in the summer) as well as the notorious levels of traffic congestion in the Los Angeles basin add to the degree of risk in ground transportation that appears to be ignored in the assessment.
- 7 We may also have additional concerns with other potential impacts to residents and visitors of San Bernardino County such as potential groundwater contamination, air contamination, etc. However, with the limited time that we have had to review the document, we have concentrated on the most critical issue at hand.
- 8 Section 2.1, "Proposed Action": The County believes that the description of the Proposed Action is incomplete due to the minimal analysis of transportation impacts that may result from implementation of the project. The description (page 2-2) includes the statement that "The Proposed Action would require surface and subsurface facilities and operations for the receipt, packaging, and emplacement of spent nuclear fuel and high-level radioactive waste (see Section 2.1.2) *and transportation of these materials to the repository* (see Section 2.1.3)." [Emphasis added]. The EIS, however, is substantially deficient in providing a complete and accurate description of the regional and local transportation routes and associated regional and local environmental setting.

- 9 Section 2.1.1.3, "National Transportation Scenarios": The general approach to evaluating the transportation of radioactive waste to Yucca Mountain, which is reflected in the label of "National Transportation Scenarios", is wholly inadequate. The strategy of the document is to use very generic consideration of two general forms of transportation modes namely, truck and rail (page 2-9). This strategy is a breach of good-faith disclosure of the true impacts associated with implementing a project of this magnitude.
- 10 Section 2.1.3.2, "National Transportation": The two page narrative description and two figures on pages 2-40 through 2-43 is remarkably incomplete for a project of this size and scope. The opening sentence of the sub-section indicates that the national transportation includes the use of existing highways and railroads and refers to Figures 2-26 and 2-27, respectively (pages 2-41 and 2-42). These two figures are a depiction of a map of the entire United States on a 6-1/2 by 9 inch graphic with commercial and DOE sites denoted with connecting lines indicating the U.S. Interstate Highway System and the U.S. railroad system respectively. This is as much detail as is given the entire document in terms of route delineation. The only further clarification of unique route characteristics is provide in Appendix J (page J-26) which provides a "Rural", "Suburban" and "Urban" classification to the number of miles from points of origin to Yucca Mountain. However, neither the Appendix nor the text of the EIS identifies specific routes in spite of the fact that this information must have been used to develop the travel distances displayed in Table J-11, Appendix J (page J-26). The routing process was conducted through the use of a computer model with none of the variables and assumptions displayed that are built into the model. No public disclosure of this information is provided, so independent verification is impossible to perform.
- 11 Section 2.1.3.2 of the EIS first acknowledges that the Nuclear Waste Policy Act (Section 180 (c)) requires DOE to provide technical and financial assistance to states and tribes for training public safety officials in jurisdictions through which plans to transport spent nuclear fuel and high-level radioactive waste (page 2-40). In Section 6.2.4.2, Transportation Accident Scenarios, (page 6-30) the documents clarifies that Section 180 (c) also provides for "technical assistance and funding" to "local... public officials". This inconsistency is confusing. Please clarify whether local assistance is mandated by law. If, in fact, local assistance is available, please consider this response letter as the County's request to be provided with this assistance, including funding.
- 12 Section 2.1.3.2.2, "Mostly Legal-Weight Truck Shipping Scenario": This section discloses that approximately 50,000 shipments of waste would be made via the National Interstate Highway System by mostly legal-weight trucks during a 24-year period. According to Figure J-10, Appendix J (page J-85), 6,250 truck shipments would enter Nevada at the California stateline. This calculates to 12.5% of all expected deliveries of waste nation-wide to Yucca Mountain to be shipped through San Bernardino County during the 24-year operational period of the facility. This proportion of radioactive waste transport within our County is a very serious concern. Based on additional information provided by DOE at the public hearing in San Bernardino regarding the transport routing map for California, this number may be even higher.

- 13 Section 2.1.3.2.3, "Mostly Rail Shipping Scenario": This section discloses that approximately 11,000 shipments of waste would be made via the U.S. rail system during a 24-year period. According to Figure J-11, Appendix J (page J-86), 1,837 rail shipments would enter Nevada at the California stateline. This calculates to 16.7% of all expected deliveries of waste nation-wide to Yucca Mountain to be shipped by rail through San Bernardino County during the 24-year operational period of the facility. This proportion of radioactive waste transported by rail within our County is also of very great concern. Based on additional information provided by DOE at the public hearing in San Bernardino regarding the transport routing map for California, this number may be even higher.
- 14 Section 2.3.3.2, "Potential Highway Routes for Heavy-Haul Trucks and Associated Intermodal Transfer Station Locations Considered but Eliminated from Further Detailed Study": The County concurs that federal highway U.S. 127 should not be considered for heavy-haul trucks. The County also believes that regular truck haul under the "mostly legal-weight truck shipping" should not be considered for this narrow, winding highway that has poor alignment and steep grades that make the road generally unsuitable for commercial hauling of high-level radioactive material. Considerable recreational travel occurs on this road due to its providing primary access to Death Valley National Park from the south. Slow moving recreational vehicles are well-known locally as a traffic hazard on this route. This section of highway is remote and emergency response units are limited in number and sufficiently distant from some road portions adding to the complexity of spill containment and cleanup should an accident occur. Furthermore, the County suggests that U.S. 95 is a route of major concern due to some of the same characteristics as U.S. 127. The use of U.S. 95 will require additional assessment on the part of the County of San Bernardino and Caltrans (California Department of Transportation).
- 15 Section 6, "Environmental Impacts of Transportation": As stated above, the County believes that the approach selected by DOE to analyze the transportation impacts that may result from implementation of this project is inappropriately general and fails to disclose the true the level of potential impact. The document acknowledges that the analysis only contains information on comparative impacts of truck and rail transportation on a national scale with more specific analysis in the state of Nevada. The document further states that "Although it is uncertain at this time when DOE would make any transportation-related decisions, DOE believes that the EIS provides the information necessary to make decisions regarding the basic approaches (for example, mostly rail or mostly truck shipments), as well as the choice among alternative transportation corridors" [within the state of Nevada, sic.]. The County finds this approach completely unacceptable due to the fact that impacts of hauling radioactive waste to Yucca Mountain is undeniably critical to states and local jurisdictions and should weigh heavily in any decision to site the repository from a national perspective. The generic treatment of transportation impacts in the EIS serves to minimize the potential impacts at a regional and local level and distorts the conclusions accordingly.
- ...16 Section 6 relies on the analysis presented in Appendix J. In spite of providing some parameters that are related to a more regional-based impact assessment, the analysis is truncated and incomplete in providing data that can be independently verified. For example, four commercial sites in California are identified in the EIS, both in Section 6 and Appendix J, as sources of

- ...16 radioactive waste requiring disposal, specifically San Onofre, Diablo Canyon, Rancho Seco and Humboldt Bay. Tables J-11 and J-12, Appendix J (pages J-26 and J-28) provide highway and rail distances, respectively, from commercial and DOE sites to Yucca Mountain. Yet, the analysis does not identify the specific routes of travel and therefore the distances cannot be verified by the reader. The routing is of particular concern to this County, but the document leaves the reader to speculate exactly which routes will be used to transport the radioactive waste to Nevada.
- 17 Furthermore, the analysis in Appendix J appears to contain factual errors or misrepresentations. For example, it can be calculated from Table J-5 (page J-16) that 1667 truck shipments from all four California commercial sites would take place during the 24-year operational period. However, when referring to Figure J-10 (page J-85) a small notation indicates that 6,250 truck shipments will enter Nevada on I-15 from California. Where do the extra 4583 truck shipments come from? Likewise, it can be calculated from Table J-6 (page J-18) that 408 rail shipments from all four California commercial sites would take place during the 24-year operational period. However, when referring to Figure J-11 (page J-86) a small notation indicates that 1,837 rail shipments will enter Jean, Nevada from California. Where do the extra 1429 rail shipments come from?
- 18 Further independent calculations using data presented in Table J-5, Appendix J, done by County staff raises additional concerns about the disproportionate amount of nuclear waste that may be shipped through San Bernardino County from the State of California. It appears that 90% of all nuclear wastes shipments by truck from California will pass through San Bernardino County (includes all of San Onofre and Diablo Canyon). Likewise, it appears that using data presented in Table J-6, Appendix J, that 84% of all rail shipments from California will pass through San Bernardino County. However, based on additional information provided by DOE at the public hearing in San Bernardino regarding the transport routing map for California, the County is concerned that 100% of the waste transport could pass through our County.
- 19 Based on the compared analysis on a national scale, it appears that rail shipment of nuclear waste is superior to that of truck. Accident rates are lower and the risk of radiological contamination to both human and ecological receptors is lower for rail shipment. While not highlighted in the text of the EIS, the observations displayed in Section J.2.2 (page J-82) support the use of "dedicated trains" over general freight service for enhanced operational and safety advantages. The County supports further detailed examination of dedicated rail shipments should this project proceed to the next level of analysis in spite of our overall objections.

EIS001865

RESOLUTION NO. 2000-10

20... A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN BERNARDINO, CALIFORNIA, PETITIONING THE
DEPARTMENT OF ENERGY FOR A PUBLIC HEARING ON THE PROPOSED
YUCCA MOUNTAIN HIGH LEVEL RADIOACTIVE WASTE DISPOSAL SITE

ON MOTION by Supervisor Eaves, seconded by Supervisor Mikels, and carried, the Board adopts the following resolution:

WHEREAS, the United States Department of Energy, has prepared an Environmental Impact Statement for the Yucca Mountain High Level Radioactive Waste Disposal Site, and

WHEREAS, the COUNTY of SAN BERNARDINO has learned through non-official sources that the United States Government plans to construct and operate a disposal site for high level radioactive waste which will include spent nuclear fuel rods, and

WHEREAS, no less than a year ago, the COUNTY of SAN BERNARDINO was provided inadequate notification on another Department of Energy Radioactive Waste project and formally expressed its objections to the lack of proper notification, and

WHEREAS, almost all of the shipments will pass through major population centers in San Bernardino County on Interstate Highways 10, 15 and 40, State Route 247 and rail lines in San Bernardino County, and

WHEREAS, the project presents obvious potential hazards from transportation accidents, which place an unnecessary additional burden on emergency response resources; and

WHEREAS, had it not been for the news media; the public would not have known that the project was underway because no public hearing has been scheduled or held in San Bernardino County or anywhere else in Southern California, and

WHEREAS, there has been no opportunity for our citizens to review or comment on this project in a formal setting, and

WHEREAS, the citizens of the COUNTY of SAN BERNARDINO have a right to be informed of and have an opportunity to comment on a project of this magnitude that poses a potential significant threat to their health, property, air and water quality and other natural resources, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the COUNTY of SAN BERNARDINO, petition the United States Department of Energy to extend the comment period on the Yucca Mountain Project, and

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...20

FURTHER BE IT RESOLVED that public hearings be held by the Department of Energy in San Bernardino County so as to provide our citizens a reasonable opportunity to comment on this project, and

FURTHER BE IT RESOLVED that this resolution be forwarded without delay to United States Senators Boxer and Feinstein and Congressmen Lewis, Baca and Miller.

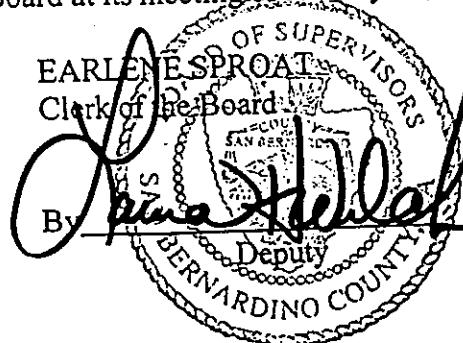
PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES:	Supervisors: Davis, Hansberger, Aguiar, Eaves, Mikels
NOES:	Supervisors: None
ABSENT:	Supervisors: None

* * * * *

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO ss.

I, EARLENE SPROAT, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by said Board of Supervisors by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of January 11, 2000, Item 1x, lw.

EARLENE SPROAT
Clerk of the Board
By  Deputy
SAN BERNARDINO COUNTY

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